

**UNITED STATES OF AMERICA
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

Plaintiff,

NO. CR 05-30023-MAP

v.

WALTER T. MAY

Defendant.

_____/

Mitchell H. Nelson (P22825)
IMHOFF & ASSOCIATES, PC
398 Kent Way
White Lake, MI 48383
(248) 461-6777

_____/

PROPOSED VOIR DIRE QUESTIONS TO JURY PANEL

1. Are you in any way related to Walter May, (Government Witnesses as supplied), Madeline Agin, Robert Agin, Vincent Agosta, Kimberly Antal, Joel Bleiwas, Merle Dinse, Jeffrey Donahue, Raymond Dubois, Margaret Dubois, Wilfred Duchesneau, Johanna Gerarde, Dorothy Higgins, Richard Holmes, Tron Jordan, Edward Keating, Francis Keating, Thomas Kerner, Ina Knapp, Donald Knapp, John LaContrue, Darunie Lane, Betty Mitchell, John Nicholson, John Rapalus, Robert Rausch, and Mary Sanady?

2. Do you know Walter May, (Government Witnesses as supplied), Madeline Agin, Robert Agin, Vincent Agosta, Kimberly Antal, Joel Bleiwas, Merle Dinse, Jeffrey Donahue, Raymond Dubois, Margaret Dubois, Wilfred Duchesneau, Johanna Gerarde, Dorthy Higgins, Richard Holmes, Tron Jordan, Edward Keating, Francis Keating, Thomas Kerner, Ina Knapp, Donald Knapp, John LaContrue, Darunie Lane, Betty Mitchell, John Nicholson, John Rapalus, Robert Rausch, and Mary Sanady?
3. Do you know either Walter May, (Government Witnesses as supplied), Madeline Agin, Robert Agin, Vincent Agosta, Kimberly Antal, Joel Bleiwas, Merle Dinse, Jeffrey Donahue, Raymond Dubois, Margaret Dubois, Wilfred Duchesneau, Johanna Gerarde, Dorthy Higgins, Richard Holmes, Tron Jordan, Edward Keating, Francis Keating, Thomas Kerner, Ina Knapp, Donald Knapp, John LaContrue, Darunie Lane, Betty Mitchell, John Nicholson, John Rapalus, Robert Rausch, and Mary Sanady's father, mother, brother or sister?
4. Are you acquainted with Defendant's attorney, Mitchell H. Nelson or any other of the lawyers for IMHOFF & ASSOCIATES, PC?
5. Are you connected with any police department?
6. Were you ever connected with any police force?
7. Do you have any immediate relatives who are connected with the police or police agencies? (If so) a. Who, when, and where?

8. Have you or any member of your family worked as a volunteer or employee for a law enforcement agency on the local, state, or federal level? (If so) a. Who, when, and where?
9. Have you or any member of your family worked for the local, state, or federal prosecutor's office? (If so) a. Who, when, and where?
10. Have you or a member of your family worked for the local, state, or federal court system? (If so) a. Who, when, and where?
11. Do you belong to any organizations or groups that have as one of their purposes advocate or promote legislation, federal, state or local? (If so) a. To what organization or group do you belong?
12. Have you ever appeared as a witness in a criminal prosecution?
(If yes) a. Where and when?
13. Have you ever been a victim of a crime similar to that charged here?
14. Have you been the victim of any type of assaultive crime?
15. Is there anything about the nature of the charges contained in the information that would prevent you from considering this case fairly and impartially?
16. Have you, or a relative or close friend of yours ever been the victim of a crime? (If so) a. Where, when and what type of crime?
17. If this court instructs you that the crime charge includes

- several elements will you vote for acquittal unless you are satisfied that the proof establishes all the elements?
18. You understand, do you not, that the burden of proof is on the prosecution and that the Defendant need not present any evidence in the Defendant's own behalf?
 19. If the evidence shows that Walter May was near the scene of the crime charge, would this create in your mind an assumption that because the Defendant was there, the Defendant was probably guilty?
 20. Do you agree with our principle of law that the Defendant in a criminal case should not be convicted unless the jury is convinced that the Defendant is guilty beyond a reasonable doubt?
 21. Do you disagree with the law that a person is presumed innocent until the Defendant is proven guilty beyond a reasonable doubt?
 22. Do you disagree with the law that the burden of proving the Defendant guilty beyond a reasonable doubt rests with the prosecution?
 23. As far as you are concerned, Walter May at the present time stands innocent of the crime that the Defendant is charged with, is that right?
 24. You understand that it is not the defense attorney's responsibility to prove the defendant is innocent?
 25. In other words, it is not Walter May's duty to prove innocence; the Defendant doesn't have to do anything, isn't that right?

26. Would the fact that Walter May has been arrested and charged with this crime create an inference in your mind that there must be some truth to the charge?
27. Would the fact that Walter May was at the scene of the crime create in your mind an assumption that the Defendant must have some element of guilt?
28. You understand, don't you, that police officers are human like you and me?
29. Police officers are subject to the same human frailties as you and I, aren't they?
30. Do you feel that a police officer may make a mistake or mistakes?
31. Do you feel that under certain circumstances, police officers may make a casual error just as you and I might make?
32. If the testimony revealed that the police had erred or used improper judgment, how would you react to such testimony?
33. Do you feel that a witness called by the prosecution is more impartial and more credible than one called by the defense by virtue of that fact?
34. If you heard the evidence and you felt that the Defendant was probably guilty, that is, you weren't convinced that the Defendant was or wasn't, but you thought the evidence showed that the Defendant probably was guilty, would you be able to return a verdict of not guilty?

35. Now if you are chosen as a juror in this case, will you stand on your own individual analysis of the evidence and not be swayed by any emotions of other jurors? You can be swayed by facts, but will you stand on your own individual judgment if you are chosen as a trial juror?
36. During this case, the lawyer for the Defendant may be making objections, to testimony or evidence offered by the government. Do you understand that this is my job and you will not hold it against Walter May?
37. You know, of course, that the prosecution has the burden of proof, don't you?
38. Do you know that the Prosecution must prove the case to your satisfaction beyond a reasonable doubt, to a moral certainty, don't you?
39. Now, the words reasonable doubt' will be explained to you by the Judge; however, I would like your assurance at this time that should the evidence you hear create any sort of reasonable doubt in your mind as to the Defendant's guilt, will you will resolve that doubt in the Defendant's favor?
40. This reasonable doubt can be on any particular issue or fact in this case. Do you understand that?
41. If after all the evidence has been presented, there were certain aspects of the People's case that did not entirely satisfy you, how do you think you would react?
42. If after all the evidence has been presented, there were certain aspects of the Defendant's case that. satisfied you, how do you think you would react?

43. If there were conflicting testimony in this case by the prosecution's witnesses, would you take this into consideration in regards to the question of reasonable doubt?
44. If the prosecution's witness makes an error or a misstatement or if the witnesses' memory is faulty on some aspect of this case, will you take that into consideration in applying the rule of reasonable doubt?
45. If the defense in this case shows you many areas where you can find reasonable doubt and you agree that there is some reasonable doubt that is justified by the evidence, what will your verdict be?

Dated: May 22, 2007

IMHOFF & ASSOCIATES, PC.

/s/ Mitchell H. Nelson
